

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOUGLAS S. BROWN)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05 10713 PBS
)	Hon. Patti. B. Saris
BANK OF AMERICA, N.A.)	
)	
Defendant.)	Complaint Filed: April 11, 2005
)	

**DEFENDANT, BANK OF AMERICA, N.A.'S,
MOTION FOR WAIVER OF ELECTRONIC FILING**

Defendant, Bank of America, N.A., (the "Bank") hereby moves this Court for a waiver of electronic filing to file the Joint Stipulation to Extend Time to Respond to Complaint ("Joint Stipulation"), submitted to this Court for filing on June 2, 2005. In further support of this Motion, the Bank states:

1. On April 11, 2005, the Plaintiff filed a Complaint against the Bank in this Action seeking damages for breach of the Electronic Funds Transfer Act ("EFTA"), 15 U.S.C., §1693b(d)(3)(B)(i) and Regulation E, 12 C.F.R. §205.16(c)(1), and also requests that a class action be certified. Thereafter on April 12, 2005, and April 27, 2005 similar actions were filed against the Bank in the United States District Courts for the Western District of California, and the District of Maryland, respectively.

2. The Plaintiff in this Action also sent by certified mail to the Bank under Massachusetts General Laws Chapter 93A, a Demand Letter dated April 15, 2005. In connection with the three Actions, the Parties have agreed to submit a Joint Motion for

Transfer and Consolidation of these Actions before the Judicial Panel on Multidistrict Litigation.

3. The Parties further agreed that it is in the interest of efficiency and judicial economy to extend the time for the Bank to respond to the Complaint in this Action until after the Judicial Panel on Multidistrict Litigation has decided the above described Motion and to extend the time to respond to the Demand Letter.

4. In connection with the Parties' agreement, the Bank's counsel attempted to file the Joint Stipulation with this Court, by hand delivery, reflecting the Parties' Agreement that Bank shall (i) have until June 17, 2005 to respond to the Demand Letter; and (ii) respond to the Complaint within thirty (30) days from the date of the decision on the Parties' Joint Motion to Transfer and Consolidate the three Actions by the Judicial Panel on Multidistrict Litigation, or the date both parties are notified of such Panel's decision, whichever is later.

5. The Bank's counsel was informed by the Court on June 6, 2005 that its attempted "hand delivered" filing was rejected as being in violation of the Court's April 1, 2005 Standing Order. We have been advised by the Clerk's Office that they have the original Joint Stipulation filing, and will file it upon order of the Court.

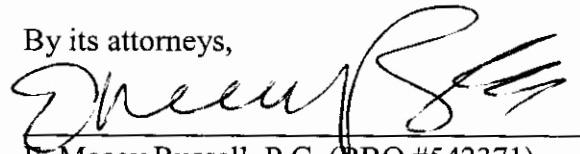
6. The Bank's counsel is in the process of obtaining an electronic filing login and password, and respectfully requests that this Court waive the electronic filing requirement with respect to the Joint Stipulation. Plaintiff's counsel will not be prejudiced by a waiver of electronic filing of the Joint Stipulation, and has assented to the filing. The Bank's counsel will file the Joint Stipulation electronically after receiving the appropriate login and password.

WHEREFORE, Defendant Bank of America, N.A. respectfully requests:

1. That this Court waive its electronic filing requirement with respect to the Joint Stipulation To Extend Time To Respond to The Complaint.

BANK OF AMERICA, N.A.

By its attorneys,



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Dated: June 9, 2005

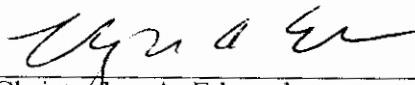
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on the attorney of record for each party by mail on June 9, 2005.

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